S.B. CIVIL WRIT PETITION NO.1429/1996

Mani Ram & Ors.
vs
The State of Rajasthan & Ors.

DATE OF ORDER : - 20.8.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr. Vijay Bishnoi, for the petitioners.
Mrs. RR Kanwar, Dy. GA for the respondent-State.

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Heard learned counsel for the parties.

The only grievance of the petitioners is that the petitioners are served with the notices demanding certain amount mentioned in the impugned notices dated 24.2.196 (Annexs.3A, 3B and 3C), but without disclosing why the said amount has been demanded from the petitioners.

According to learned counsel for the petitioners, the petitioners got the land allotted under the provisions of the Rajasthan Colonization (Allotment and Sale of Government land in Indira Gandhi Canal Colony Area) Rules, 1975 (in short the Rules of 1975). The petitioners have deposited the entire due amount as required by the Rules of 1975 and, thereafter, *Sanads* have been issued in favour of the petitioners. According to learned counsel for the petitioners once the entire amount has been deposited by the petitioners, no more amount can be demanded from the petitioners

by the respondents, but the respondents straightway without giving an opportunity of hearing and without passing any order, issued demand notices Annexs. 3A, 3B and 3C. The said notices are wholly illegal because of the reason; firstly no amount can be demanded from the petitioners under the Rules of 1975 once the *Sanads* have been issued; secondly, the demand has been raised without passing any order by any competent authority and thirdly, the demand notices have been issued without giving an opportunity of hearing to the petitioners.

The respondents submitted reply to the writ petition and narrated certain provisions of the Rules of 1975 to show that the respondents are entitled to demand the amount in the notice from the petitioners.

The writ petition of the petitioners deserves to be allowed only on the ground that even if Rule permits the respondents-authorities to demand any amount from the petitioners then also they will have to give an opportunity of hearing to the petitioners before raising any demand against them. Admittedly, in this case, no order has been passed by the respondents by which it can be gathered that the demand has been raised by the respondents under any Rule of 1975 or any other provisions of law.

Therefore, in view of the above reasons, the writ petition of the petitioners deserves to be allowed, hence allowed and the impugned demand notices Annexs. 3A, 3B and 3C are quashed and

set aside. However, it is made clear that the authorities will be free to pass any appropriate order and may raise demand against the petitioners, if law permits. However, any demand if is raised then before that, the petitioners shall be given opportunity of hearing by the concerned authorities.

(PRAKASH TATIA), J.

c.p.goyal/-